

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

MALIK AZ' RAE MOSBY,

Plaintiff,

v.

9:06-CV-1165
(NAM/GHL)

DR. MARSHALL TRABOUT, Medical Director;
DR. BEZERGIANIAN, Psychiatrist;
DEBRA DeBARTOLO, Head Nurse;
JOANNE CONWAY, Mental Health Liaison;
DEBRA NIEMI, Chief of Corrections;
LT. RAY BUNCE, Commanding Officer;
SGT. WALPOLE, Shift Supervisor;
SGT. MASTERS, Corrections Officer;
SGT. DaMATTEO, Corrections Officer;
MICHAEL SEARLES, Corrections Officer;
HARRY HAWK, Corrections Officer;
DARWIN SMITH, Corrections Officer;
BRENDA FAIRBANKS, Corrections Officer;
SEAN SCHOLLENBERG, Corrections Officer;
JOHN DOE, Shift Supervisor; and
JOHN DOE, Corrections Officer,

Defendants.

APPEARANCES:

OF COUNSEL:

MALIK AZ' RAE MOSBY, 06-B-1604
Great Meadow Correctional Facility
Box 51
Comstock, NY 12821
Plaintiff, *Pro Se*

HON. JONATHAN WOOD
Tompkins County Attorney
125 East Court Street
Tompkins County Office Building
Ithaca, NY 14850
Counsel for County Defendants

JONATHAN WOOD, ESQ.

NORMAN A. MORDUE, CHIEF JUDGE

ORDER

The above matter comes to me following a Report-Recommendation by Magistrate Judge George H. Lowe, duly filed on the 28th day of January 2008. Following ten days from the service thereof, the Clerk has sent me the file, including any and all objections filed by the parties herein.

After careful review of all of the papers herein, including the Magistrate Judge's Report-Recommendation, and no objections submitted thereto, it is

ORDERED, that:

1. The Report-Recommendation is hereby approved.
2. The first motion to dismiss the complaint (Dkt. No. 31) is granted in part and denied in part.
3. The Clerk of the Court shall serve a copy of this Order upon all parties and the Magistrate Judge assigned to this case.

IT IS SO ORDERED.

Dated: March 4, 2008
Syracuse, New York


Norman A. Mordue
Chief United States District Court Judge